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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/619,319

07/14/2003

Timothy Fleming

37515/277980

7300

23370

7590

06/28/2004

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EXAMINER

BASINGER, SHERMAN D

ART UNIT

PAPER NUMBER

3617

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/619,319	Applicant(s) FLEMING, TIMOTHY	
	Examiner Sherman D. Basinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/3/03</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. The declaration filed December 12, 2003 has been received.

Drawings

2. The drawings are objected to because the shading in figures 1-3 and 7 prevents one from seeing the structure of the invention (especially the rails of figure 7); the sentences and references to ZODIAC Mark V and the Ribkit in figures 1-3 are objectionable; the views of figures 2A and 2B are not separated; and the lines numbers and letters in figures 6A, 6B and 7 are not uniformly thick and well defined. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 21 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis.

The accessory is ridge member 30. The D ring is 24.

5. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by UK 2 277 492.

UK 492 discloses a method of making an inflatable boat more compact for storage or transport (see page 2, lines 34-37), comprising

- a. deflating an inflatable element (see page 2, line 30);
- b. disconnecting at least one accessory from a deck (see page 2, lines 27-29); and
- c. removing the deck (see page 1, lines 21-32 and figure 5 with subsection 3 being the deck).

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6. Claims 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Savage.

The transom of the boat is shown in figure 1. The receptacle is 2. The rails of the receptacle are the sides of the socket. The terminal stop is at the bottom of the socket.

The plate of the outboard motor is 12.

7. Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Grimes.

The accessory is 20. The receptacle is 18. The quick release fasteners are 72 and 74.

8. Claims 1-3 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Goldsmith.

The accessory is center section 26. The transom is 20. Seat 22 is considered to form a console. Center section 26 forms a fuel tank.

9. Claims 1, 2 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Porada.

The deck is made up of sections 27-30. The accessory is either of 40-43. The receptacle is 15. The quick release fastener received in use by the receptacle is 19.

The plate is either of sections 27-30.

10. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyne.

The accessory is the mast supporting structure.

11. Claims 1, 2 and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by McCrory et al.

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The accessory is keelson 70. The D ring is 88. The deck is 26. The plate is 98a. The bottom plate is 98b. The fastener is the bond fixing 98a and 98b to each other.

12. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Pennati.

The accessory is disclosed in column 2, lines 45 and 46.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith.

Goldsmith discloses an inflatable element 12, an accessory 22 connected to the deck through end sections 24 and a deck 16. Goldsmith does not disclose a method of making an inflatable boat more compact for storage or transport comprising

- a. deflating an inflatable element;
- b. disconnecting at least one accessory from a deck; and
- c. removing the deck.

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However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the inflatable boat of Goldsmith more compact for storage by deflating inflatable elements 12, disconnecting accessory 22 and removing deck 16. Motivation to do so is that in order to remove deck 16, the inflatable elements 12 will have to be deflated and the accessory 22 removed first. This is the best way to prepare the boat of Goldsmith for storage. One of the outstanding features of inflatable boats is that they can be deflated for storage.

15. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith in view of Scott et al.

Accessory 22 of Goldsmith is considered to be a console; however, this console is not connected to the outboard motor 21. Note how in Scott et al the fuel tank is connected to the outboard motor. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to connect the fuel tank of console 22 of Goldsmith to outboard motor 21 of Goldsmith in the manner taught by Scott et al so that fuel can be supplied to the outboard motor of Smith.

16. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Porada in view of Harding.

The sections 27-30 of Porada are removable but are not foldable. Note the links in figures 6-9 of Harding which allow the deck sections of Harding to be foldable when removed. It would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains to use links similar to those of Harding to join the sections 27-30 of Porada so that when they are removed they can be folded. Motivation to do so is to keep the deck sections joined together so none get misplaced, and yet allow them to be folded in a compact manner.

17. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldsmith in view of Savage.

Goldsmith does not disclose means to connect this outboard motor to his transom, the means being the claimed receptacle and plate. Note the receptacle 2 of Savage and the plate 12. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use a receptacle and plate similar to those of Savage to attach the motor of Goldsmith to the transom of Goldsmith. Motivation to do so can be found on page 1, lines 9-13 of Savage.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pennati in view of Grimes.

Pennati, while disclosing a transom to which an outboard motor may be mounted, does not disclose his accessory as being a console. Note the console 20 of Grimes. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to use as one of the accessories of Pennati a console similar to that of Grimes. Motivation to do so is to provide a steering console for the boat of Pennati. A steering console would allow for easier piloting of the boat of Pennati.

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pennati and Grimes as applied to claim 3 above, and further in view of Goldsmith. Pennati does not disclose an outboard motor for use with his boat. Goldsmith shows outboard motor 21 for use with his boat. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide an outboard motor for use with the boat of Pennati and it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to connect the steering console provided to Pennati in view of Grimes to this motor. Motivation to do so is that an outboard motor can provide a propulsion means to the boat of Pennati, and the console provided to Pennati in the combination with Grimes can be used to steer this outboard motor.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Williams is cited to show the bracket 10 and support 14.


21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
6/22/04

sdb
6/22/04